

Judge of the Ninth Judicial District of the State of Texas; T. L. Nugent, Judge of the Thirtieth Judicial District of the State of Texas; R. C. Beale, County Judge of Navarro county; D. C. Barmore, County Judge of Brazos county, and W. S. Moore, County Judge of Lamar county, permission to absent themselves from the State at the time hereinafter named," and find the same correctly enrolled and properly signed, and at 4 o'clock P. M., on this day, presented same to the Governor for his signature.

COOPER, Chairman.

Senator Buchanan of Grimes, chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, March 30, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 301, entitled "An act supplementary to and amendatory of an act entitled 'an act making appropriations for deficiencies beginning March 1, 1879, and ending February 28, 1881, and for previous years,' passed March 24, 1881," and find the same correctly engrossed.

BUCHANAN of Grimes, Chairman.

On motion of Senator Davenport, the Senate adjourned until 9:30 A. M. to-morrow.

### SIXTY-EIGHTH DAY.

SENATE CHAMBER,  
AUSTIN, March 31, 1881. }

Senate met pursuant to adjournment.

The President in the chair.

Roll called; quorum present.

Prayer by the Chaplain.

The reading of the journal of yesterday was dispensed with, on motion of Senator Stubbs, and same adopted.

Senator Weatherred, chairman of the Committee on Judicial Districts, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, March 30, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Judicial Districts, to whom was referred House bill No. 609, entitled "An act to reorganize the Fourth and Twenty-first Judicial Districts of the State of Texas, to fix the time of holding courts in the different counties composing the same, and to provide for the appointment of a district attorney for the Twenty-first Judicial District," have duly considered the same, and I am instructed to report the bill back to the Senate with the recommendation that it do not pass.

WEATHERRED, Chairman.

Read first time.

Senator Stubbs submitted the following report for the Committee on Engrossed bills:

COMMITTEE ROOM,  
AUSTIN, March 31, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 209, "An act to provide for the collection of the historical memoranda and statistics of the State of Texas," and find the same correctly engrossed.

STUBBS, for Committee.

Senator Rainey moved to take up Senate bill No. 108, entitled "An act to amend articles 340, 344, 346, 352 and 357, of title 17, of the Revised Civil Statutes of Texas, relating to cities and towns," with House amendments. Unanimously adopted.

The bill was taken up and, on motion of Senator Rainey, the House amendments were concurred in.

The following bill was read by caption and signed by the President, viz.: Senate bill No. 102, entitled "An act to make appropriations for the support of the State government for the years beginning March 1, 1881, and ending February 28, 1883."

Senator Terrell moved to take up House bill No. 131, entitled, "An act to amend article 690, chapter 3, of the Penal Code of the State of Texas." Unanimously adopted, and the bill taken up, read third time and passed.

By unanimous consent, Senator Shannon was allowed to call up Senate bill No. 289, entitled "An act to change the

time of holding the district court in the Twenty-ninth Judicial District of the State of Texas," with House amendments.

On motion of Senator Shannon the House amendments were concurred in.

Senate bill No. 260, entitled "An act prescribing the time of holding the district courts of the Twenty-third Judicial District," was taken up and the House amendments concurred in.

A message was received from the House, announcing the passage of House bill No. 588, entitled "An act amending articles 3705, 3707, 3716, 3742, 3746, 3747, 3752, 3758, 3762 and 3768, chapter 3, title 78, of the Revised Civil Code."

Senate bill No. 248, entitled "An act to repeal sections 2, 4 and 7 of an act of the Legislature of the State of Texas, entitled 'an act to amend the charter of the city of Dallas,' and to amend sections 177, 163, 90, 62 and 82 of an act entitled 'an act to incorporate the city of Dallas, and to grant a new charter to said city, approved August 9, 1876.'"

Also, that the House recedes from its amendment to substitute for Senate bill No. 134, entitled "An act to provide for the issuance of manuscript bonds for the State for the funds derived from the sale of lands set apart to the several counties for school purposes."

And has passed Senate bill No. 209, entitled "An act to amend section 5 of an act entitled 'an act to establish the university of Texas,' passed at the present session of the Legislature."

Also, that the House has reconsidered the vote by which the report of free conference committee on Senate bill No. 223 "notary public bill," and reappointed same committee a second committee of free conference.

Also, has adopted report of free conference committee on substitute House bill No. 309, "An act to provide for the sale of alternate sections of land in organized counties as surveyed by railroad companies and other works of internal improvement, and set apart for the benefit of the common school fund, and to provide for the investment of the proceeds, and to repeal all laws in conflict therewith."

Also, that the House concurs in Senate amendments to House bill No. 319, "An act for the relief of persons whose lands have been rendered for taxation, and also placed upon the unrendered rolls."

Also, House bill No. 429, "An act authorizing counties to fund their bonded indebtedness, and to provide means to pay the same."

Also, House bill No. 592, "An act for the relief of the heirs of Henry J. Townsend."

Also, House bill No. 489, "An act for the relief of the heirs of Lewis Grooms."

Also, that the House adopts the report of the free conference committee on Senate bill No. 223 (notary public bill.)

Senate bill No. 280, "An act to amend article 1092, chapter 4, title 15 of the Code of Criminal Procedure," was taken up, read the third time, and passed by the following vote:

YEAS—13.		
Davenport,	Martin of Navarro,	Stubbs,
Hightower,	Moore,	Terrell,
Lair,	Powers,	Weatherred,
Lightfoot,	Shannon,	Wynne.
Martin of Cooke		
NAYS—10.		
Buchanan of Grimes,	Henderson,	Ross,
Buchanan of Wood,	Patton,	Stewart,
Burges,	Rainey,	Swain.
Cooper,		
NOT VOTING—3.		
Burton,	Duncan,	Gooch.

House bill No. 420, "An act to amend article 425 of chapter 5, title 17 of the Revised Civil Statutes," was

taken up, with adverse report of committee, and bill read the second time.

On motion of Senator Stubbs, the report was adopted and bill lost.

Senate bill No. 261 1-2, entitled "An act declaring the amounts due by certain railroad companies for loans from the common free school fund, and to provide for the collection of the same, and making an appropriation therefor," was taken up.

Senator Martin of Cooke moved a call of the Senate. Call sustained.

Absent, Senators Buchanan of Wood and Davenport.

The pending bill went to the table.

Senate bill No. 195, entitled "An act to provide for having the products of Texas represented at the World's Fair, to be holden in the City of New York in the year A. D. 1883, and to appropriate money therefor," with an adverse report of the committee, was taken up and read the second time.

On motion of Senator Davenport, the report was adopted and bill lost.

On motion of Senator Stewart, Senate bill No. 196, entitled "An act to create the office of State Register, and to define the duties, power and compensation of such officer," was taken up and laid on the table.

On motion of Senator Davenport, Senator Lair was excused indefinitely, after 4 o'clock P. M., on account of sickness in his family.

Senate bill No. 206, "An act to amend articles 1673, 1678, 1694, 1696 and 1701, of the Revised Civil Statutes of the State of Texas," was taken up and laid on the table, on motion of Senator Ross.

Senate bill No. 210, entitled "An act to prohibit the sale of spirituous, vinous or other intoxicating liquors within five miles of Grapeland Academy, located at the town of Grapeland, county of Houston," was taken up, read second time and bill ordered engrossed.

On motion of Senator Weatherred, the constitutional rule was suspended, and the bill put on its third reading by the following vote:

## YEAS—24.

Buchanan of Grimes	Lair,	Ross,
Buchanan of Wood,	Lightfoot,	Shannon,
Burges,	Martin of Cooke,	Stewart,
Burton,	Martin of Navarro,	Stubbs,
Davenport,	Moore,	Swain,
Gooch,	Patton,	Terrell,
Henderson,	Powers,	Weatherred,
Hightower,	Rainey,	Wynne.

NAYS—none.

NOT VOTING.

Duncan.

The bill was then read the third time, and passed by the following vote:

## YEAS—23.

Buchanan of Grimes	Lightfoot,	Shannon,
Buchanan of Wood,	Martin of Cooke,	Stewart,
Burges,	Martin of Navarro,	Stubbs,
Cooper,	Moore,	Swain,
Davenport,	Patton,	Terrell,
Henderson,	Powers,	Weatherred,
Hightower,	Rainey,	Wynne.
Lair,	Ross,	

NAYS—none.

NOT VOTING—3.

Burton,	Duncan,	Gooch.
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The Senate being full, the consideration of Senate bill No. 261 1-2 was resumed.

Senator Martin of Cooke moved that the bill be indefinitely postponed.

Senator Buchanan of Grimes moved the previous ques-

tion. The motion was seconded and main question ordered.

Senator Davenport moved a call of the Senate.

The Senate being full, Senator Martin's motion to indefinitely postpone was put, and lost by the following vote:

## YEAS—10.

Burges,	Martin of Navarro,	Powers,
Burton,	Moore,	Rainey,
Davenport,	Patton,	Stubbs.
Martin of Cooke.		

## NAYS—16.

Buchanan of Grimes	Hightower,	Stewart,
Buchanan of Wood,	Lair,	Swain,
Cooper,	Lightfoot,	Terrell,
Duncan,	Ross,	Weatherred,
Gooch,	Shannon,	Wynne.
Henderson,		

Senator Terrell's substitute for the amendment of Senator Patton, pending on adjournment, was adopted by the following vote:

## YEAS—14.

Buchanan of Grimes,	Lair,	Stewart,
Cooper,	Lightfoot,	Swain,
Duncan,	Rainey,	Terrell,
Gooch,	Ross,	Wynne.
Henderson,	Shannon,	

## NAYS—12.

Buchanan of Wood,	Hightower,	Patton,
Burges,	Martin of Cooke,	Powers,
Burton,	Martin of Navarro,	Stubbs,
Davenport,	Moore,	Weatherred.

And then adopted as a part of the bill.

Senator Burges offered a substitute for the bill, said substitute being entitled "An act to authorize and empower the Governor to bring suit to collect all debts due from any railroad company to the State, and to make an appropriation to carry out the provisions of this act."

The substitute was adopted by the following vote:

## YEAS—14.

Burges,	Martin of Cooke,	Rainey,
Burton,	Martin of Navarro,	Ross,
Davenport,	Moore,	Stubbs,
Hightower,	Patton,	Weatherred.
Lair,	Powers,	

## NAYS—11.

Buchanan of Grimes	Henderson,	Swain,
Buchanan of Wood,	Lightfoot,	Terrell,
Cooper,	Shannon,	Wynne.
Gooch,	Stewart,	

NOT VOTING.

Duncan.

And ordered engrossed by the following vote:

## YEAS—19.

Burges,	Lair,	Powers,
Burton,	Lightfoot,	Rainey,
Cooper,	Martin of Cooke,	Ross,
Davenport,	Martin of Navarro,	Stubbs,
Gooch,	Moore,	Terrell,
Henderson,	Patton,	Weatherred.
Hightower,		

## NAYS—6.

Buchanan of Grimes	Shannon,	Swain,
Buchanan of Wood,	Stewart,	Wynne.

A message was received from the House announcing the passage of the following bills:

Senate bill No. 106, entitled "An act for the relief of J. M. Brownson."

Senate bill No. 301, entitled "An act supplementary to and amendatory of an act entitled 'an act making appropriations for deficiencies, beginning March 1, 1879, and ending February 28, 1881, and for previous years,' passed March 24, 1881."

Also, that the House insists upon its amendments to Senate bill No. 258, entitled "An act granting to persons

who have been permanently disabled by reason of wounds received while in the service of this State or of the Confederate States a land certificate for 1280 acres of land," asks for a committee of free conference, and that Messrs. Smith of Titus, Merritt, Caven, Finlay and Daugherty have been appointed as such committee on the part of the House.

The following message was received from the Governor:

THE STATE OF TEXAS, EXECUTIVE OFFICE,  
AUSTIN, March 31, 1881.

To the Honorable Senate in the Legislature assembled:

I herewith return to your honorable body Senate bill No. 117, being entitled "An act to amend article 245, chapter 2, of the Revised Civil Statutes, and to repeal article 247, chapter 2, of the Revised Civil Statutes," without my approval, for the reason that there is no enacting clause in the bill as required by the Constitution, section 29, article 3.

Respectfully submitted,

O. M. ROBERTS, Governor.

Read and referred to Judiciary Committee No. 1.

Senator Buchanan of Wood submitted the following report:

COMMITTEE ROOM,  
AUSTIN, March 30, 1881.

To the President of the Senate and Speaker of the House of Representatives:

Your committee of free conference upon the differences between the two houses upon Senate bill No. 223, entitled "An act to regulate the appointment and define the duties of notaries public," beg leave to report the following:

1. Your committee recommend that the Senate agree to the first House amendment.

2. Your committee recommend that the House recede from its second amendment, and that instead thereof the following amendment be added to section 5 of the bill: "And any notary public or other officer required by law to keep and use a seal, who shall (after the first of June, 1881) use in attesting any instrument, any seal, not such as he is required by law to keep and use for that purpose, or shall fail or refuse to deliver to the county clerk of his county his seal, record books and all public papers pertaining to his office, or any of them, in case of his resignation or removal from the county, shall be deemed guilty of a misdemeanor, and shall, upon conviction, be fined in any sum not less than one hundred dollars: *provided*, that such notary public shall have the right to sell his seal to any qualified notary public of his county.

J. C. BUCHANAN, Chairman,  
R. S. HIGHTOWER,  
S. C. PATTON,

Senate Committee.

J. S. PEACOCK, Chairman,  
TRUIT,  
WURZBACH,

House Committee.

On motion of Senator Buchanan, the report just read was adopted.

Senate bill No. 213, entitled "An act to amend article 3210 of the Revised Civil Statutes, relating to dormant judgments," was taken up; read second time, and on motion of Senator Terrell, laid on the table.

Senator Cooper moved to take up Senate bill No. 258, entitled "An act granting to persons who have been permanently disabled by reason of wounds, received while in the service of the State of Texas, or of the Confederate States, a land certificate for 1280 acres of land." Adopted, and on motion of the Senator, the House amendments were disagreed to.

Senator Terrell, chairman of Judiciary Committee No. 1, moved to take up Senate bill No. 117, "An act to amend article 245, chapter 2, of the Revised Civil Statutes, and to repeal article 247, chapter 2, of the Revised Civil Statutes," just returned by the Governor with his objections to the same (the bill containing no enacting clause), and consider the same without a report from the committee, as it was only an unintentional error in the passage of the bill. Unanimously adopted, and bill taken up and read second time.

Senator Terrell offered the following amendment:

*Be it enacted by the Legislature of the State of Texas, That article 245 of chapter 2, of the Revised Civil Statutes, be amended so as to hereafter read as follows:*

Adopted, and bill ordered engrossed.

Senator Cooper moved to suspend the rules and put bill on third reading.

In calling the roll on this vote, no quorum voting, Senator Davenport moved a call of the Senate. Call sustained.

Roll called; absent, Senators Burton, Martin of Cooke.

The pending business went to the table.

Senator Lightfoot moved to take up House bill No. 588, "An act amending articles 3705, 3707, 3716, 3742, 3746, 3747, 3752, 3758, 3762 and 3768, chapter 3, title 78, Revised Civil Code," for reference. Adopted, and bill taken up and referred to the Committee on Education.

On motion of Senator Swain, the Senate took a recess until 12 o'clock M.

Recess expired and Senate met.

President in the chair.

Roll called; quorum present.

Senator Terrell moved a call of the Senate. Call sustained.

Roll called; absent, Senators Buchanan of Wood, Lair, Stubbs and Burton.

On motion of Senator Patton, Senator Buchanan of Wood was excused, on account of sickness.

Senator Buchanan of Grimes raised the point of order that a Senator could not be excused under a call without a call of the ayes and nays. Sustained. When the Senator was excused by the following vote:

YEAS—20.

Burges,	Lightfoot,	Ross,
Burton,	Martin of Cooke,	Shannon,
Cooper,	Martin of Navarro,	Stewart,
Davenport,	Moore,	Swain,
Duncan,	Patton,	Weatherred,
Gooch,	Powers,	Wynne.
Lair,	Rainey,	

NAYS—5.

Buchanan of Grimes	Hightower,	Terrell.
Henderson,	Stubbs,	

The President, after reading their captions, signed the following bills:

House bill No. 130, entitled "An act to amend section 10 of an act establishing the Tenth, Twelfth, Thirteenth, Twenty-eighth, Twenty-ninth and Thirtieth Judicial Districts, prescribing the times of holding the district courts therein, and for the appointment of district judges for the Twenty-eighth, Twenty-ninth and Thirtieth Judicial Districts," approved February 22, 1879."

House bill No. 440, entitled "An act to amend article 220 of the Criminal Code."

House bill No. 495, entitled "An act to authorize and require the issue of patents to lands situated between the Rio Grande and Nueces rivers, the titles to which have been confirmed under the act of February 11, 1860."

House substitute for Senate bill No. 175, entitled "An act to amend article 3994, title 80, of the Revised Civil Statutes."

House bill No. 130, entitled "An act to amend section 10 of an act establishing the Tenth, Twelfth, Thirteenth, Twenty-eighth, Twenty-ninth and Thirtieth Judicial Districts, prescribing the times of holding the district courts therein, and providing for the appointment of district judges for the Twenty-eighth, Twenty-ninth and Thirtieth Judicial Districts," approved February 22, 1879."

House bill No. 513, entitled "An act to validate certain locations and surveys upon lands situated in the counties of Hardeman, Cottle, Archer, Baylor, Wilbarger and Knox."



House bill No. 449, entitled "An act to amend article 220 of the Criminal Code."

Senator Patton moved to postpone the election of President pro tem. until 3:30 p. m.

Senator Buchanan of Grimes moved to postpone the election one-half hour, both of which motions were lost, the latter by the following aye and nay vote:

YEAS—5.

Cooper, Davenport,	Rainey, Stewart,	Terrell.
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NAYS—19.

Buchanan of Grimes, Burgess, Burton, Duncan, Gooch, Henderson, Hightower,	Lair, Lightfoot, Martin of Cooke, Martin of Navarro, Moore, Patton,	Powers, Ross, Shannon, Stubbs, Weatherred, Wynne.
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NOT VOTING.

Swain.

The President then announced nominations for President pro tem. in order.

Senator Davenport put in nomination Senator Marion Martin of Navarro county.

Senator Buchanan of Wood put in nomination Senator R. W. Wynne.

Senators Powers, Stubbs and Duncan were appointed by the President as tellers.

The Senate then proceeded to the election of the officer aforesaid, with the following result:

On the first ballot Hon. Marion Martin received fourteen votes and Hon. R. M. Wynne twelve votes.

Whereupon the President declared the Hon. Marion Martin duly and constitutionally elected President pro tem. of the Senate of the Seventeenth Legislature.

Senators Lightfoot and Weatherred were appointed a committee to conduct the President pro tem. elect to the chair, which duty being performed, the said officer delivered an appropriate address, thanking the Senate for the honor conferred upon him.

(President pro tem. in the chair.)

The following invitation was received and read by the Secretary:

AUSTIN, March 31, 1881.

Hon. L. J. Storey, President of the Senate:

Please invite the honorable Senators to be present at an entertainment to be given by the pupils of the Institution for the Blind this evening at 7:30 o'clock. It will be given through a sense of gratitude to the Legislature for their kindness toward them. They hope the Senators will attend. Respectfully,

FRANK RAINEY, Superintendent.

Senate bill No. 214, "An act to amend article 2295, of the Revised Civil Statutes, relating to executions against partnership interests," was taken up, with adverse report of the committee, read second time and, on motion of Senator Stubbs, the report was adopted and the bill lost.

Senate bill No. 217, "An act to establish the boundaries of the counties of Uvalde, Zavalla, Dimmitt and Kinney," with adverse report, was taken up, read second time and, on motion of Senator Powers, laid on the table.

Senate bill No. 226, "An act to authorize the Anglo-American Land Claim Association to purchase, hold and acquire, and to sell or otherwise dispose of, real or personal property in the State of Texas," with adverse report, was taken up, read second time and, on motion of Senator Gooch, the report was adopted and the bill lost.

Senator Cooper moved to take up Senate bill No. 258, "An act granting to persons who have been permanently disabled by reason of wounds received while in the service of the State of Texas, or of the Confederate States, a land certificate of 1280 acres of land," and asked that a free con-

ference committee be appointed upon the differences between the two houses on said bill. Adopted.

Whereupon the President appointed Senators Cooper, Gooch, Ross, Wynne and Weatherred as a committee of free conference, as asked for by Senator Cooper.

Senator Moore submitted the following report:

COMMITTEE ROOM,  
AUSTIN, March 31, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Stock and Stockraising, to whom was referred substitute for House bill No. 82, "An act for the immediate relief of citizens against breachy estrays," have had the same under consideration, and I am instructed by a majority of said committee to report the bill back to the Senate with the following amendment: Strike out in section 3, line 3, "or citizen," in line 9, "or citizen;" and as amended do pass.

MOORE, Chairman.

On motion of Senator Cooper, the Senate adjourned until 3:30 p. m.

### AFTERNOON SESSION.

Senate met pursuant to adjournment.

The President in the chair.

Roll called; quorum present.

Under the evening rule of roll call, Senator Rainey called up House bill No. 589, "An act for the relief of citizens of Cameron county."

The bill was in the hands of Judiciary Committee No. 1, for whom Senator Terrell submitted the following report:

COMMITTEE ROOM,  
AUSTIN, March 31, 1881.

Hon. L. J. Storey, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred House bill No. 589, entitled "An act to relieve the inhabitants of Cameron county from the payment of the State tax for the year 1880," have had the same under consideration and a majority of your committee instruct me to report it back to the Senate with the recommendation that it do pass as amended.

TERRELL, Chairman.

Bill read first time.

The following is the committee amendment: Amend by adding to the end of the first section as follows:

*Provided*, That the collection of taxes on the current rolls of said county be stopped and the assessment rolls of said county shall be referred by the assessor of said county within sixty days from the passage of this act to conform to the provisions hereof, and that the collector of taxes of said county shall refund to any person the tax collected of him such portion thereof as he shall be entitled to upon the current rolls as herein provided; and *provided further*, that the said assessor and collector shall be entitled to receive their legal fees for services under this act, as now provided by law.

Senator Rainey moved to suspend the rules, and put the bill on its second reading.

Senator Davenport moved a call of the Senate. Call sustained.

Roll called; absent, Senator Martin of Cooke.

Bill went to the table.

On motion of Senator Shannon, the call was suspended.

The constitutional rule was suspended, and the bill put on its second reading by the following vote:

YEAS—24.

Buchanan of Grimes, Buchanan of Wood, Burgess, Burton, Davenport, Duncan, Hightower,	Lair, Lightfoot, Martin of Navarro, Moore, Patton, Powers, Rainey,	Shannon, Stewart, Stubbs, Swain, Terrell, Weatherred, Wynne.
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NAYS—none.

NOT VOTING.

Cooper,	Gooch,	Martin of Cooke.
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On motion of Senator Rainey, the committee amendment was adopted,

Senator Powers offered the following amendment to the committee amendment: Amend by adding to the first section, as amended, "to be realized from the fund that will remain to the State." Adopted, and bill passed to third reading.

On motion of Senator Powers, the rule was suspended, and bill read third time by the following vote:

YEAS—21.

Buchanan of Grimes	Lightfoot,	Shannon,
Buchanan of Wood,	Martin of Navarro,	Stewart,
Burges,	Moore,	Stubbs,
Burton,	Patton,	Swain,
Davenport,	Powers,	Terrell,
Gooch,	Rainey,	Weathered,
Hightower,	Ross,	Wynne.

NAYS—none.

NOT VOTING—3.

Henderson,	Lair,	Martin of Cooke.
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Bill read third time and passed by the following vote:

YEAS—16.

Burges,	Martin of Navarro,	Shannon,
Burton,	Moore,	Stewart,
Cooper,	Patton,	Stubbs,
Gooch,	Powers,	Terrell,
Hightower,	Rainey,	Weathered.
Lightfoot,		

NAYS—7.

Buchanan of Grimes	Henderson,	Swain,
Buchanan of Wood,	Ross,	Wynne.
Davenport,		

NOT VOTING—2.

Lair,	Martin of Cooke.
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The following message was received from his Excellency, the Governor:

THE STATE OF TEXAS, EXECUTIVE OFFICE,  
AUSTIN, March 31, 1881.

To the Honorable Senate of the State of Texas:

I respectfully submit the following names for notaries public: Martin B. Kingsbury and Benjamin Kowalski, Jr., new appointments, Cameron county.

J. D. Latta, new appointment, Duval county.

J. H. Parsons, to succeed himself, Marion county.

Leonard W. Hart, new appointment, Archer county.

Respectfully submitted,

O. M. ROBERTS, Governor.

EXECUTIVE OFFICE,

AUSTIN, TEXAS, March 31, 1881.

To the Honorable Senate of the State of Texas:

I respectfully submit the name of John Threadgill for notary public in Williamson county, to succeed himself, and I wish C. P. Vance, who was confirmed to succeed Threadgill, to be a new appointment.

Respectfully submitted,

O. M. ROBERTS, Governor.

EXECUTIVE OFFICE,

AUSTIN, March 31, 1881.

To the Honorable Senate of the State of Texas:

I respectfully ask your advice and consent to the following appointment:

Mr. J. H. Dinkins, to be Fish Commissioner.

He has served the State faithfully for two years in that capacity without a salary or any compensation.

Respectfully submitted,

O. M. ROBERTS, Governor.

Senator Burges moved that the Senate go into executive session on the appointments embraced in the messages just received from the Governor, at 4 o'clock P. M. Unanimously adopted.

A message was received from the House announcing the passage by that body of the following bills:

Senate bill No. 53, "An act to authorize and request the Governor to ascertain and file in the War Department of the United States, or in such other department as the matter may be referred to, a careful abstract accompanied with proper vouchers and proof, of the money expended

and indebtedness assumed and incurred by the State of Texas in repelling invasions by Mexican and Mexican-Indian banditti, and in suppressing Indian hostilities."

Senate bill No. 228, "An act to amend the stock law."

Senate bill No. 224, "An act to amend title 34 of the Revised Civil Statutes of the State of Texas, by adding article 1665a and 1665b, and to amend articles 1689 and 1702 of the election laws of the State of Texas, and to provide for creating election precincts in unorganized counties."

House bill No. 228, "An act to authorize the establishment of a house of refuge, to provide for committing minors to the same, and to provide for the support and maintenance of the same."

Also, that Senate bill No. 163, "An act setting apart a certain portion of the public lands of this State to the Agricultural and Mechanical College of Texas, to provide for the location, survey and sale thereof, and for the disposition of the funds arising from such sale," was indefinitely postponed.

Also, that Senate bill No. 288, "An act to amend sundry articles of chapter 3, title 78, of the Revised Civil Statutes," on a motion to substitute same for House bill No. 588, on the same subject, was lost.

Senator Rainey, for Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, March 31, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 210, "An act to prohibit the sale of spirituous, vinous or other intoxicating liquors within five miles of Grapeland Academy, located at the town of Grapeland, county of Houston, Texas," and find the same correctly engrossed.

RAINEY, Chairman.

The Senate went into executive session.

IN SENATE.

Senator Rainey moved that the action of the Senate in executive session be spread on the journals, and that the Secretary inform the Governor of the same.

It is accordingly stated that the Senate does advise and consent to the appointment of J. H. Dinkins as fish commissioner; Martin B. Kingsbury and Benjamin Kowalski, Jr., to be notaries public for Cameron county; J. D. Latta, notary public for Duval county; J. H. Parsons, for Marion county; Leonard W. Hart, for Archer county; and John Threadgill and C. P. Vance, notaries public for Williamson county.

The following message was received from his Excellency, the Governor:

THE STATE OF TEXAS, EXECUTIVE OFFICE,  
AUSTIN, March 31, 1881.

To the Honorable Senate of the State of Texas:

The Senate for substitute for No. 30 and 70, relating to the Twelfth, Seventeenth, Twentieth and Thirty-third Judicial Districts, has not passed by a two-thirds vote, as it seems to be supposed by some of its friends. I understand that the courts in some of those districts are suspended upon the supposition that the bill will have passed to take effect forthwith, which is producing great confusion in the courts in said districts. I refer to this that the Legislature may take such steps on the same as may be deemed proper.

Respectfully submitted,

O. M. ROBERTS, Governor.

THE STATE OF TEXAS, EXECUTIVE OFFICE,  
AUSTIN, March 31, 1881.

To the Honorable Senate of the State of Texas:

I respectfully submit to your honorable body for confirmation the name of John C. Ross for notary public of Atascosa county, to be a new appointment.

Respectfully submitted,

O. M. ROBERTS, Governor.

Senator Buchanan of Grimes moved that the Senate go into executive session to consider the appointments in the

Governor's message at 11 o'clock A. M. to-morrow. Adopted.

Senator Terrell moved to take up House bill No. 228, "An act to authorize the establishment of houses of refuge, to provide for committing minors to the same, and to provide for the support and maintenance of the same."

Taken up, and bill read first time.

Senator Terrell moved to suspend the rules and put the bill on its second reading. Adopted by the following vote:

## YEAS—18.

Buchanan of Wood,	Lightfoot,	Shannon,
Burges,	Martin of Navarro,	Stewart,
Burton,	Moore,	Stubbs,
Cooper,	Powers,	Terrell,
Davenport,	Rainey,	Weathered,
Lair,	Ross,	Wynne.

## NAYS—3.

Buchanan of Grimes,	Gooch,	Henderson,
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## NOT VOTING—3.

Hightower,	Martin of Cooke,	Patton.
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Bill read second time.

Senator Burton offered the following amendment: Amend by inserting after the word "city," wherever it occurs in the bill, the word "towns," and after the words "city council" insert "county commissioners."

Withdrawn and bill passed to third reading.

Senator Lightfoot moved to suspend the rules and put the bill on its third reading. Adopted by the following vote:

## YEAS—21.

Buchanan of Grimes,	Henderson,	Ross.
Buchanan of Wood,	Hightower,	Shannon,
Burges,	Lightfoot,	Stewart,
Burton,	Martin of Navarro,	Stubbs,
Cooper,	Moore,	Terrell,
Davenport,	Powers,	Weathered,
Gooch,	Rainey,	Wynne.

## NAYS—none.

## NOT VOTING—3.

Lair,	Martin of Cooke,	Patton,
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Bill read third time, and passed by the following vote:

## YEAS—15.

Burges,	Lightfoot,	Shannon,
Burton,	Moore,	Stewart,
Cooper,	Powers,	Stubbs,
Davenport,	Rainey,	Terrell,
Lair,	Ross,	Weathered.

## NAYS—6.

Buchanan of Grimes	Gooch,	Martin of Navarro,
Buchanan of Wood,	Henderson,	Wynne.

## NOT VOTING—3.

Hightower,	Patton,	Martin of Cooke,
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Senator Cooper submitted the following report:

COMMITTEE ROOM,  
AUSTIN, March 31, 1881.

Hon. L. J. Story, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 107, "An act making an appropriation for the support of the State government for the years beginning March 1, 1881, and ending February 28, 1883," and find the same correctly enrolled and properly signed, and on this day, at 10 o'clock A. M., presented same to the Governor for his signature.

COOPER, Chairman.

The following report was received from the Comptroller:

COMPTROLLER'S OFFICE,  
AUSTIN, March 31, 1881.

Hon. L. J. Story, President of the Senate:

I have the honor to acknowledge the receipt of resolution passed by your honorable body on the thirtieth instant, and in response thereto submit the enclosed statement of amount of taxes on insolvent lists in each county for 1879.

Respectfully,

W. M. BROWN, Comptroller.

Statement by counties of the amount of Insolvents for the year 1879.

	Ad valorem tax.	Poll tax.	Total.
Anderson	\$369 82	\$1,936 00	\$2,305 82
Andrews			
Angelina	41 97	200 00	241 97
Araucarias	10 26	56 00	66 26
Archer			
Armstrong			
Atascosa	109 24	100 00	209 24
Austin	119 91	1,020 00	1,139 91
Bandera	12 34	90 00	102 34
Bastrop			
Baylor			
Bee	26 36	202 00	228 36
Bell	943 48	2,954 00	3,897 48
Bexar	1,022 48	3,500 00	4,522 48
Blanco	42 48	300 00	342 48
Borden			
Bosque	270 81	1,114 00	1,384 81
Bowie	150 51	850 00	1,000 51
Brazoria			
Brewster	283 61	2,639 00	2,922 61
Brown			
Burleson			
Burnet	283 67	852 00	1,135 67
Caldwell	230 84	1,000 00	1,230 84
Calhoun	42 40	291 00	333 40
Callahan	121 14	276 00	397 14
Cameron	533 74	4,840 00	5,373 74
Camp	26 01	172 00	198 01
Carson			
Cass			
Castro			
Chambers	3 02	198 00	201 02
Cherokee	101 31	837 00	938 31
Childress			
Clay	544 62	886 00	1,430 62
Cochran			
Coleman	291 20	466 00	757 20
Collin	406 05	2,568 00	2,974 05
Collingsworth			
Colorado			
Comal	30 15	346 00	376 15
Comanche	226 69	844 00	1,070 69
Concho	51 07	72 00	123 07
Cooke	544 12	2,184 00	2,728 12
Coryell	324 41	1,570 00	1,894 41
Cottle			
Crockett			
Crosby			
Dallas	731 74	4,175 00	4,906 74
Dallam			
Dawson			
Deaf Smith			
Delta	44 20	290 00	334 20
Denton			
DeWitt	167 24	885 00	1,052 24
Dickens			
Dimmitt			
Donley			
Duval			
Eastland	107 47	342 00	449 47
Edwards			
Ellis	774 16	2,838 00	3,612 16
El Paso			
Euclid			
Erath	160 38	919 00	1,079 38
Falls			
Faunin	240 81	1,882 00	2,122 81
Fayette	160 00	764 00	924 00
Fisher			
Floyd			
Fort Bend			
Franklin			
Freesburg	480 28	2,000 00	2,480 28
Frio	27 90	190 00	217 90
Galveston	5,620 26	2,388 00	8,008 26
Gaines			
Garza			
Gillespie	27 65	82 00	109 65
Goliad	117 04	400 00	517 04
Gonzales	374 80	1,932 00	2,306 80
Grayson	710 62	4,818 00	5,528 62
Gray			
Gregg			
Grimes			
Guadalupe			
Hale			
Hall			
Hamilton	239 28	785 00	1,024 28
Hansford			
Hardeman			
Hardin	8 25	92 00	100 25
Harris			
Harrison	503 87	4,484 00	4,987 87
Hartley			
Haskell			
Hays			
Hempstead			
Henderson	138 87	700 00	838 87
Hidalgo	6 77	76 00	82 77
Hill	354 92	2,500 00	2,854 92
Hockley			
Hood	258 21	764 00	1,022 21
Hopkins	170 00	1,514 00	1,684 00



## Statement of Insolvents, etc.—continued.

	Ad valorem tax.	Poll tax.	Total.
Howard .....			
Houston .....	167 38	1,400 00	1,567 88
Hunt .....	256 36	1,475 00	1,731 06
Hutchinson .....			
Jack* .....			
Jackson .....	12 50	68 00	80 50
Jasper .....	29 06	468 00	497 06
Jefferson .....	33 60	388 00	421 60
Johnson .....	447 45	2,075 00	2,522 45
Jones .....			
Karnes .....	97 68	362 00	459 68
Kaufman* .....			
Kendall .....	52 10	238 00	290 10
Kent .....			
Kerr .....	82 66	216 00	298 66
Kimble .....	60 22	188 00	248 22
King .....			
Kinney .....	73 12	300 00	373 12
Knox .....			
Lamar .....	267 63	2,569 00	2,836 60
Lamb .....			
Lampson .....	175 40	712 00	887 40
La Salle .....			
Lavaca .....	190 73	834 00	1,024 70
Lee .....	71 33	668 00	739 38
Leon* .....			
Liberty .....	280 06	668 00	948 06
Limestone* .....			
Lipscomb .....			
Live Oak* .....			
Llano .....	169 35	500 00	669 33
Lubbock .....			
Lynn .....			
Madison .....	92 02	482 00	574 02
Marion .....	850 30	2,375 00	3,225 30
Martin .....			
Mason .....	150 85	358 00	508 85
Matagorda .....	121 07	400 00	521 07
Maverick .....	465 93	500 00	965 93
McClulloch .....	267 72	300 00	567 72
McLennan* .....			
McMullen* .....			
Medina .....	37 88	214 00	251 88
Menard .....	11 90	60 00	71 90
Milam .....	463 24	2,484 00	2,947 24
Mitchell .....			
Montague .....	286 64	978 00	1,264 64
Montgomery .....	133 90	1,902 00	1,735 90
Moore .....			
Morris .....	17 40	266 00	283 40
Motley .....			
Nacogdoches* .....			
Navarro .....	612 70	2,616 00	3,288 70
Newton .....	25 43	278 00	303 43
Nolan .....			
Nueces .....	251 00	900 00	1,151 00
Ochiltree .....			
Oldham .....			
Orange* .....			
Palo Pinto* .....	203 04	1,300 00	1,503 04
Panola .....			
Parmer .....	363 59	1,420 00	1,783 57
Parker .....			
Pecos* .....	04 00	396 00	400 00
Polk .....			
Potter .....			
Presidio* .....	33 12	212 00	245 12
Rains .....			
Randall .....	262 30	1,832 00	2,094 30
Red River .....			
Refugio* .....			
Roberts .....	602 58	5,500 00	6,102 58
Robertson .....	47 43	208 00	255 43
Rockwall .....	101 76	994 00	1,095 76
Russell .....			
Sabine* .....			
San Augustine* .....	22 53	290 00	312 53
San Jacinto .....			
San Patricio* .....			
San Saba* .....			
Scurry .....	57 51	230 00	287 51
Shackelford .....			
Shelby* .....			
Sherman .....			
Smith* .....			
Somervell .....	77 48	330 00	407 48
Starr .....	223 65	1,200 00	1,423 65
Stephens .....	652 79	315 00	967 79
Stonewall .....			
Swisher .....			
Tarrant .....	826 80	3,700 00	4,526 80
Taylor* .....			
Terry .....			
Throckmorton .....	9 41	52 00	61 41
Titus .....	63 27	446 00	509 27
Tom Green .....	184 34	614 00	798 34
Travis .....	953 43	1,970 00	2,923 43
Trinity .....	199 61	400 00	599 61
Tyler .....	120 50	400 00	520 50
Upshur .....	79 57	600 00	679 57
Uvalde .....	84 02	368 00	452 02
Van Zandt .....	131 93	888 00	1,019 93
Victoria* .....			
Walker .....	105 18	1,586 00	1,691 18
Waller* .....			
Washington .....	699 70	4,630 00	5,329 70

Sig. 41

## Statement of Insolvents, etc.—continued.

	Ad valorem tax.	Poll tax.	Total.
Webb .....	52 43	1,112 00	1,164 43
Wharton .....	50 60	300 00	350 60
Wheeler .....	80	34 00	34 80
Wichita .....			
Willbarger .....			
Williamson .....	450 75	1,582 00	2,032 75
Wilson* .....			
Wise .....	362 08	1,346 00	1,708 08
Wood .....	144 43	928 00	1,072 43
Yoakum .....			
Young .....	122 50	424 00	546 50
Zapata* .....			
Zavala .....			
Totals .....	\$32,313 20	\$130,185 60	\$162,498 20

NOTE.—There is no report for the year 1879 from the counties marked thus\*.

Senator Patton moved to suspend the reading of the report, as it will appear in the journals. Adopted.

Senator Patton moved to adjourn until 9:30 A. M. to-morrow. Withdrawn.

The following message was received from the House, announcing the passage of Senate bill No. 170, entitled "An act to amend an act entitled 'landlord and tenant,' adopted February 21, 1879," with House amendments.

And, substitute for Senate bill No. 203, entitled "An act to amend article 2395, chapter 3, of title 42, of the Revised Civil Statutes of the State of Texas, relating to compensation for ex-officio services of clerks of county courts," with amendments.

Senator Cooper, chairman of free conference committee on Senate bill No. 258, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, March 31, 1881.

To the President of the Senate and Speaker of the House of Representatives:

Your committee on free conference, to whom was referred the differences between the two houses on Senate bill No. 258 have had the same under consideration, and have agreed to recommend as follows:

1. That the Senate concur in House amendment striking out all that part of the bill which exempts the land from forced sale.

2. That the House recede from the amendment inserting after the word "families," in line 19, the words "and all widows of soldiers of Texas," and that in lieu thereof the following be inserted: "And the widows of soldiers who were residents as aforesaid, and enlisted in the service as aforesaid, who died or was killed in actual service under such enlistment, who have remained widows, and are now citizens of this State, and who show that they have not property of the value of one thousand dollars."

3. That the House recede from its amendment striking out all after the word "act," in line 23, and inserting in lieu thereof certain words, and instead of said amendment strike out all after said word "act," and insert "unless they show that they have not property of the value of one thousand dollars."

4. In section 3, line 8, and following, strike out the words "may be located as headright certificates upon any of the public domain," and insert "shall be located as follows: The locator shall also locate a like amount of land for the benefit of the permanent school fund before either shall be patented, and such locations shall be made on any of the public domain of Texas, not reserved by law from location."

Respectfully submitted,

S. B. COOPER, Chairman,  
R. M. WYNNE,  
W. W. WEATHERED,  
L. S. ROSS,  
JNO. YOUNG GOOCH,  
Senate Committee.  
W. T. SMITH, Chairman.  
W. J. CAVEN,  
W. W. MERRITT,  
GEO. P. FINLAY,  
F. M. DAUGHERTY,  
House Committee.

On motion of Senator Cooper, the report was adopted. Senate bill No. 170, with House amendments, was taken up.

When, on motion of Senator Davenport, the Senate adjourned until 9:30 A. M. to-morrow.